

Message Text

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ACTION SNM-05

INFO OCT-01 ARA-14 ISO-00 L-03 PPTE-00 CA-01 SCS-06
DEAE-00 JUSE-00 TRSE-00 /030 W
-----029098 101752Z /46

P 101303Z AUG 78
FM AMEMBASSY QUITO
TO SECSTATE WASHDC PRIORITY 9081

UNCLAS QUITO 5588

FOR S/NM

E.O. 11652: N/A
TAGS: SNAR, EC
SUBJECT: NARCOTICS LAWS

REF: STATE 170187

(1) POSSESSION

A) YES, BETWEEN

1) MARIJUANA ART 15 - AMENDMENTS TO LAW-
OFFICIAL REGISTER # 638,
AND SEP 13/74

2) DRUGS SUCH AS ART 9 - NARCOTICS LAW,
-COCAINE OFFICIAL REGISTER # 105,
-COCAINE PASTE NOV 23/70
-OPIUM AND DERIVATIVES
-PSYCHOTROPICS, LIST # 1,
PART III, ANNEX TO THE LAW

POSSESSION OF MARIJUANA: ART 15 - AMENDMENTS TO LAW-
OFFICIAL REGISTER # 638,
SEP 13/74

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PRISON - 6 MOS TO 5 YRS
DEPENDING ON AGE:
- 18 TO 20 YRS OF AGE:
6 MOS TO 1 YEAR OF PRISON
- 20 TO 22 YRS OF AGE:
1 YEAR TO 2 YRS OF PRISON
- MORE THAN 22 YRS OF AGE:

2 TO 5 YRS OF PRISON

POSSESSION OF NARCOTICS OR
PSYCHOTROPIC DRUGS, LIST # 1,
PART III, ANNEX TO THE LAW:

- MAXIMUM IMPRISONMENT OF FROM ART 30 - OFFICIAL RE-
16 YEARS ONE DAY TO 25 YEARS GISTER # 105, NOV 23/70
AND FINE OF 50,000 TO 100,000 ART 33 - OFFICIAL RE-
SUCRES. (\$2,000 TO \$4,000) GISTER # 621, JULY 4/78

B) NO

C) THE PENALTIES FOR POSSESSION ARE:

AS SEVERES AS FOR OTHER NARCOTICS
OFFENSES. EXAMPLE: MAXIMUM IM-
PRISONMENT OF FROM 16 YEARS AND
ONE DAY TO 25 YEARS AND FINE OF
50,000 TO 100,000 SUCRES ARE THE
PENALTIES FOR POSSESSION, AS
WELL AS: PLANTING, CULTIVATION,
WORKING, PRODUCTION, EXTRACTION,
PURIFICATION, CRYSTALIZATION,
RECRYSTALIZATION, SYNTHESIZATION,
TRAFFIC, OR DELIVERY TO OR FOR THE
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ACCOUNT OF ANY PERSON, WHETHER THE
ACT BE GRATUITOUS OR FOR GAIN.

D) NOTE: CATEGORY 1) A) 1) REFERS
SOLELY TO MARIJUANA, WHILE CATE-
GORY 1) A) 2) REFERS TO ALL DRUGS,
INCLUDING MARIJUANA, SUBJECT TO
CONTROL BY ECUADOREAN LAW. LESSER
PENALTIES FOR MARIJUANA POSSESSION
(AND TRAFFIC) ALLOW FOR JUDICIAL
DISCRETION IN PENALIZING YOUTHFUL
AND NON-COMMERCIAL VIOLATORS.

(2) TRAFFICKING

A) THE LAW CONSOLIDATES ALL CONTROL- ART 30, C) - OFFICIAL
LED SUBSTANCES UNDER ONE GENERAL REGISTER # 105, NOV 23/70
TRAFFICKING OFFENSE.

B) THERE ARE MAXIMUM AND MINIMUM PENALTIES:

1) PRISON:

MAXIMUM: 5 YEARS
MINIMUM: 6 MONTHS

2) MAXIMUM IMPRISONMENT:
MAXIMUM: 25 YEARS
MINIMUM: 16 YEARS AND ONE DAY
FINE OF 50,000 TO 100,000 SUCRES.

NO BAIL IS ACCEPTED.

NO SPECIAL PROVISIONAL LIBERTY IS GRANTED.

NEITHER PARDON NOR PAROLE IS GRANTED.

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NO TYPE OF IMMUNITY IS RECOGNIZED.

C) NO SUCH ELEMENTS EXIST.

D) NO.

E) NOTE: CATEGORY (2) B) 1) REFERS
SOLELY TO MARIJUANA, WHILE CATEGORY
(3) B) 2) REFERS TO ALL DRUGS, IN-
CLUDING MARIJUANA, SUBJECT TO CONTROL
BY ECUADOREAN LAW.

(3) CULTIVATION, PRODUCTION, ELABORATION

A) CULTIVATION OF ALL THREE IS ART 7 - OFFICIAL
PROHIBITED BY LAW. REGISTER # 105, NOV 23/70

THE PENALTY FOR ALL THREE IS: ART 33 - OFFICIAL RE-
MAXIMUM IMPRISONMENT OF FROM GISTER # 621, JULY 4/78
16 YEARS AND ONE DAY TO 25
YEARS AND FINE OF 50,000 TO
100,000 SUCRES.

B) CULTIVATION IS NOT LEGAL.

C) YES. 16 YEARS AND ONE DAY TO LETTER B). ART 30, OFFI-
25 YEARS PLUS A FINE OF 50,000 CIAL REGISTER # 105,
TO 100,000 SUCRES. NOV 23/70
ART 33 - OFFICIAL REGISTER
621, JULY 4/78

(4) FINANCIAL

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A) NO. HOWEVER, THERE IS CONCERN
IN THIS RESPECT AND IT WILL
BE TAKEN UNDER CONSIDERATION
IN ANY FUTURE REFORM OF THE LAW.

B) NO.

(5) CRIMINAL PROCEDURE

A) THERE IS NO SPECIFIC PERIOD OF
INVESTIGATIVE DETENTION.
CONSULAR ACCESS, WHILE NOT PRO-
VIDED FOR BY LAW, IS PERMITTED
THROUGH AN INFORMAL WORKING
AGREEMENT. INTERPOL NOTIFIES DEA,
WHO IN TURN NOTIFIES THE CONSULAR
SECTION, USUALLY ALL WITHIN A
MAXIMUM OF 24 HOURS. A CONSULAR
REPRESENTATIVE IS THEN ALLOWED
TO INTERVIEW THE PRISONER.

B) NO DEFINITE PERIOD - HOWEVER
LONG THE INVESTIGATION LASTS.

C) INDETERMINATE.

D) THEORETICALLY, YES, IN PRACTICE,
NO. PUBLIC DEFENDERS EXIST
ACCORDING TO THE LAW RATHER THAN
PRACTICE. ADEQUATE LAWYERS ARE
AVAILABLE. THERE IS NO SET OR
USUAL FEE. A COMPETENT LAWYER
CAN CHARGE AND COMMAND LITERALLY
AS MUCH AS HE WISHES.

E) NO.
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F) ONLY FOR SIMPLE USE BUT NOT WHEN
IN CONJUNCTION WITH OTHER CRIMES.
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Message Attributes

Automatic Decaptioning: X
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Decaption Note:
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Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 jan 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Drafter: n/a
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Format: TEL
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SAS ID: 1778152
Secure: OPEN
Status: NATIVE
Subject: NARCOTICS LAWS
TAGS: SNAR, EC
To: STATE
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/1ec75b65-c288-dd11-92da-001cc4696bcc
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